

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

BOYKIN JONES, #115033,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:08cv220-MHT
	)	(WO)
LEON FORNISS, WARDEN, et al.,	)	
	)	
Defendants.	)	

**ORDER**

On July 15, 2008 (Doc. # 12), the magistrate judge filed a recommendation in this case to which no timely objections have been filed. Upon an independent and de novo review of the file in this case and upon consideration of the recommendation of the magistrate judge, it is ORDERED and ADJUDGED that:

- (1) The recommendation of the magistrate judge (Doc. # 12) is adopted.
- (2) Plaintiff's claims against defendant Ontourus Frondesse Porter are dismissed without prejudice prior to service of process in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(I).
- (3) Defendant Porter is dismissed as a party.
- (4) This case with respect to the remaining defendants is referred back to the magistrate judge for further proceedings.

DONE, this the 13th day of August, 2008.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE